

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER EVANS,

Plaintiff,

- against -

DEPARTMENT OF CORRECTION, JOHN
DOE's 1-8,

Defendants.

TO THE HONORABLE SIDNEY H. STEIN, U.S.D.J.:

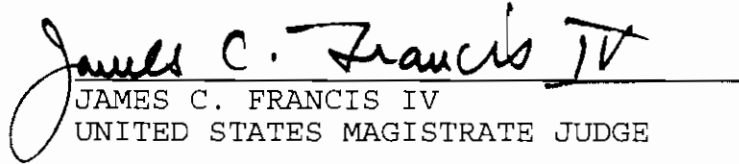
: 09 Civ. 3917 (SHS) (JCF)

: REPORT AND
: RECOMMENDATION

The complaint in this action was filed on April 20, 2009, and service on the defendant was never effected. By letter dated September 17, 2009, I advised the plaintiff to submit within two weeks any reasons why the action should not be dismissed. When he responded, I extended his time to serve until November 30, 2009 but indicated that no further extensions would be permitted. The complaint still has not been served. I therefore recommend that the complaint be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Sidney H. Stein, Room 1010, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>12/10/09</u>

Respectfully submitted,


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
December 10, 2009

Copies mailed this date:

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